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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,418	01/18/2000	Ruediger Bartz	951/48439	9678

7590 10/23/2003

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Intellectual Property Group
P O Box 14300
Washington, DC 20044-4300

EXAMINER

AKPATI, ODAICHE T

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 10/23/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/484,418

Applicant(s)

BARTZ, RUEDIGER

Examiner

Odaiche T Akpati

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

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DETAILED ACTION

Drawings

New corrected drawings are required in this application because the drawings submitted for this application are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 3, 9, 10, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Brinkmeyer et al (5838251).

With respect to Claim 1, the limitation “a method for authenticating a spare vehicle key to be used with a vehicle in the absence of a regular key” is met on column 1, lines 8-24.

The limitation “providing the spare vehicle key with an identification number; transmitting said identification number to a central station; checking the transmitted

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identification number by the central station; and authenticating the spare vehicle key and sending an authorization signal from the central station to the vehicle” is met on column 3, lines 45-52.

With respect to Claim 2, the limitation “wherein at least one data transmission by and between the spare vehicle key, central station and vehicle is encoded” is met on column 3, lines 62-67; column 4, lines 1-4.

With respect to Claim 3, the limitation “wherein said data transmission occurs in one direction followed by transmission of a confirmation signal in an opposite direction” is met on column 3, lines 45-52.

With respect to Claim 9, 10, 11 the limitation “wherein the transmitting acts are performed using telephony” is met on column 5, lines 36-39.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 6, 7, 8, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkmeyer et al (5838251) in view of Buhr et al (US 2001/0040966 A1).

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With respect to Claim 4, all the limitation is met by Brinkmeyer except the use of a public and private key in bi-directional encoding and decoding.

The limitation “wherein bi-directional data traffic in one direction takes place based on a public key and decoding at the central station takes place based on a private key” is met by Buhr et al on page 1, paragraph 10.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Buhr within the system of Brinkmeyer et al so as to allow for asymmetrical encryption of data.

With respect to Claim 5, 6, 7 and 8, all the limitation is met by Brinkmeyer except the limitation regarding the identification number being transferred from the vehicle to the central station.

The limitation “wherein the act of transmitting the identification number of the spare vehicle key to the central station is carried out by the vehicle, said identification number of the spare vehicle key having been previously transmitted to the vehicle” is met by Buhr et al on page 1, paragraph 8.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Buhr within the system of Brinkmeyer et al so as to allow the id number to be communicated to the central station.

With respect to Claim 12 and 13, the limitation “wherein the transmitting acts are performed using telephony” is met by Brinkmeyer et al on column 5, lines 36-39.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkmeyer et al (5838251) in view of Walmsey et al (6374354 B1).

With respect to Claim 14 and 15, Brinkmeyer meets all the limitation except that of encoding the transmission with a random number.

The limitation “wherein said transmissions are encoded with a random number” is met by Walmsey et al in the abstract.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Walmsey et al within the system of Brinkmeyer et al so as to allow the encoded transmissions to vary and hence be harder for an attacker to guess.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkmeyer et al (5838251) in view of Brinkmeyer et al (US2001/0028295A1).

With respect to Claim 16, Brinkmeyer (5838251) meets all the limitation except that of a radio receiver being activated by a spare key.

The limitation “wherein before an actual data transmission, a radio receiver in the vehicle is activated by the spare vehicle key” is met by Brinkmeyer et al (US2001/00228295A1) on paragraphs 28, 29 and 30.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Brinkmeyer (US2001/0028295A1) to the system of Brinkmeyer et al (5838251) so as to deactivate the vehicle in case of an attempted break-in.

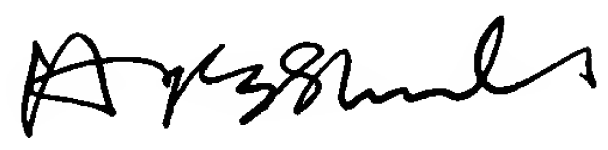
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Odaiche Tracey Akpati whose telephone number is 703-305-7820. The examiner can normally be reached on 8.30am-6.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7240 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

October 7, 2003


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100